

State Ethics Commission



Information Resource Manual Of Facts & Forms

State Ethics Commission
205 Jesse Hill Jr. Dr. S.E.
Suite 478 – East Tower
Atlanta, GA 30334
(404) 463-1980
(404)463-1988 (facsimile)
1-866-589-7327
email: gaethics@ethics.state.ga.us
www.ethics.georgia.gov

CONTENTS

O.C.G.A. § 21-5-3 Definitions	1
Helpful Statutes	4
Preliminary Matters	8
Declaration of Intent (DOI)	8,10
Registration Form for a Campaign Committee (RC).....	8,11
Registration Form for a Committee Other than a Candidate's (RO).....	9,12
Choosing Option of Separate Accounting (COOSA)	9,13
Candidate Status.....	14
Campaign Record Keeping	15
Reporting Requirement	16
The Campaign Contribution Disclosure Report.....	20
Who Needs To File	20
What It Is.....	22
When & Where To File.....	23
Late or On Time.....	26
Electronic Filing.....	28
How To Complete The CCDDR Form.....	31
Contribution	31
Expenditures.	35
Disposition of Excess Contribution	37
CCDDR Form	38
Form TBD (formerly known as 48-hour report).....	44
Violating the Ethics In Government Act	46
Complaints	46
Penalties	46
The Financial Disclosure Statement.....	47
Who Needs To File	47
What It Is.....	47
When To File.	47
Electronic Filing.....	47

O.C.G.A. § 21-5-3 Definitions

(1) "**Business entity**" means any corporation, sole proprietorship, partnership, limited partnership, limited liability company, limited liability partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether profit or nonprofit.

(2) "**Campaign committee**" means the candidate, person, or committee which accepts contributions or makes expenditures designed to bring about the nomination or election of an individual to any elected office. The term "campaign committee" also means any person or committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer holding elective office or to oppose the recall of a public officer holding elective office or any person or any committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state.

(3) "**Campaign contribution disclosure report**" means a report filed with the appropriate filing officer by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures of \$101.00 or more and all contributions of \$101.00 or more, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is \$101.00 or more for the calendar year in which the report is filed. Such report shall also include the total amount of all individual contributions received or expenditures made of less than \$101.00 each. The first report required in the calendar year of the election shall contain all such expenditures made and all such contributions received by the candidate or the committee in prior years in support of the campaign in question.

(4) "**Candidate**" means an individual who seeks nomination for election or election to any public office, whether or not such an individual is elected; and a person shall be deemed to seek nomination or election if such person has taken necessary action under the laws of this state to qualify such person for nomination for election or election or has received any contributions or made any expenditures in pursuit of such nomination or election or has given such person's consent for such person's campaign committee to receive contributions or make expenditures with a view to bringing about such person's nomination for election or election to such office.

(5) "**Commission**" means the State Ethics Commission created under Code Section 21-5-4.

(6) "**Connected organization**" means any organization, including any business entity, labor organization, membership organization, or cooperative, which is not a political action committee, as defined in this Code section, but which, directly or indirectly,

establishes or administers a political action committee or which provides more than 40 percent of the funds of the political action committee for a calendar year.

(7) **"Contribution"** means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term "contribution" shall include other forms of payment made to candidates for office or who hold office when such fees and compensation made can be reasonably construed as a campaign contribution designed to encourage or influence a candidate or public officer holding elective office. The term "contribution" shall also encompass transactions wherein a qualifying fee required of the candidate is furnished or paid by anyone other than the candidate.

(8) **"Direct ownership interest"** means the holding or possession of good legal or rightful title of property or the holding or enjoyment of real or beneficial use of the property by any person and includes any interest owned or held by a spouse of such person if such interest is held jointly or as tenants in common between the person and spouse.

(9) **"Election"** means a primary election; run-off election, either primary or general; special election; or general election. The term "election" also means a recall election.

(10) **"Election cycle"** means the period from the day following the date of an election or appointment of a person to elective public office through and including the date of the next such election of a person to the same public office and shall be construed and applied separately for each elective office.

(11) **"Expenditure"** means a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term "expenditure" shall also include the payment of a qualifying fee for and in behalf of a candidate.

(12) "**Fiduciary position**" means any position imposing a duty to act primarily for the benefit of another person as an officer, director, manager, partner, guardian, or other designation of general responsibility of a business entity.

(13) "**Filing officer**" means that official who is designated in Code Section 21-5-34 to receive campaign contribution disclosure reports.

(14) "**Gift**" means any gratuitous transfer to a public officer, or any member of the family of the public officer or a loan of property or services which is not a contribution as defined in paragraph (7) of this Code section and which is in the amount of \$101.00 or more.

(15) "**Independent committee**" means any committee, club, association, partnership, corporation, labor union, or other group of persons, other than a campaign committee, political party, or political action committee, which receives donations during a calendar year from persons who are members or supporters of the committee and which expends such funds either for the purpose of affecting the outcome of an election for any elected office or to advocate the election or defeat of any particular candidate.

(16) "**Intangible property**" means property which is not real property and which is held for profit and includes stocks, bonds, interest in partnerships, choses in action, and other investments but shall not include any ownership interest in any public or private retirement or pension fund, account, or system and shall not include any ownership interest in any public or private life insurance contract or any benefit, value, or proceeds of such life insurance contract.

(17) "**Member of the family**" means a spouse and all dependent children.

(18) "**Ordinary and necessary expenses**" shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

(19) "**Person**" means an individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, trust, professional corporation, or other business entity recognized in the State of Georgia, labor organization, or any other organization or group of persons.

(20) "**Political action committee**" means:

(A) Any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations during a calendar year from persons who are members or supporters of the committee and which contributes

funds to one or more candidates for public office or campaign committees of candidates for public office; and

(B) A "separate segregated fund" as defined in Code Section 21-5-40.

Such term does not include a candidate campaign committee.

(21) **"Public employee"** means every person employed by the executive, legislative, or judicial branch of state government, or any department, board, bureau, agency, commission, or authority thereof.

(22) **"Public officer"** means:

(A) Every constitutional officer;

(B) Every elected state official;

(C) The executive head of every state department or agency, whether elected or appointed;

(D) Each member of the General Assembly;

(E) The executive director of each state board, commission, or authority and the members thereof;

(F) Every elected county official and every elected member of a local board of education; and

(G) Every elected municipal official.

O.C.G.A. § 21-5-30.2 Definitions of Contributions by Public Agencies

(a) Except as otherwise provided in this subsection, the definitions set forth in Code Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this Code section, the term:

(1) **"Agency"** means:

(A) Every state department, agency, board, bureau, commission, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of this state; and

(D) Every city, county, regional, or other authority established pursuant to the laws of this state.

(2) **"Contribution"** means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money, or anything of value conveyed or transferred by or on behalf of an agency, without receipt of payment therefore, to any campaign committee, political action committee, or political organization or to any candidate for campaign purposes.

(3) **"Elector"** means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state and who shall have registered in accordance with Chapter 2 or 3 of this title.

(4) **"Political action committee"** means any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations aggregating in excess of \$1,000.00 during a calendar year from persons who are members or supporters of the committee and which distributes these funds as contributions to one or more campaign committees of candidates for public office. Such term does not mean a campaign committee.

(5) **"Political organization"** means an affiliation of electors organized for the purpose of influencing or controlling the policies and conduct of government through the nomination of candidates for public office and, if possible, the election of its candidates to public office.

(6) **"Public meeting place"** means any county, municipal, or other public building suitable and ordinarily used for public gatherings.

(b) No agency and no person acting on behalf of an agency shall make, directly or indirectly, any contribution to any campaign committee, political action committee, or political organization or to any candidate; but nothing in this Code section shall prohibit the furnishing of office space, facilities, equipment, goods, or services to a public officer for use by the public officer in such officer's fulfillment of such office.

(c) No campaign committee, political action committee, or political organization or candidate shall accept a contribution in violation of subsection (b) of this Code section.

(d) Nothing contained in this Code section shall be construed to:

(1) Affect the authority of the State Personnel Board regarding the regulation of certain political activities of public employees in the classified service of the state merit system;

(2) Affect the authority of any agency regarding the regulation of the political activities of such agency's employees;

(3) Affect the use of the capitol building and grounds as specified in Code Section 50-16-4; or

(4) Prohibit the use of public meeting places by political organizations when such meeting places are made available to different political organizations on an equal basis; provided, however, this paragraph shall not be construed to create a right for a political organization to use a public meeting place.

O.C.G.A. § 21-5-31. (Repealed effective January 9, 2006)

O.C.G.A. § 21-5-32. Accounts to be kept by candidate or campaign committee treasurer.

(a) The candidate or treasurer of each campaign committee shall keep detailed accounts, current within not more than five business days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or committee. The candidate or treasurer shall also keep detailed accounts of all deposits and of all withdrawals made to the separate campaign depository and of all interest earned on any such deposits.

(b) Accounts kept by the candidate or treasurer of a campaign committee pursuant to this Code section may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(c) Records of such accounts kept by the candidate or campaign committee shall be preserved for three years from the termination date of the campaign for elective office conducted by the candidate or of the campaign committee for any candidate or for three years from the election to bring about the approval or rejection by the voters of any proposed constitutional amendment, referendum, or local issue or of any recall vote.

O.C.G.A. § 21-5-33. Disposition of contributions.

(a) Contributions to a candidate, a campaign committee, or a public officer holding elective office and any proceeds from investing such contributions shall be utilized only to defray ordinary and necessary expenses, which may include any loan of money from a candidate or public officer holding elective office to the campaign committee of such candidate or such public officer, incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office.

(b) (1) All contributions received by a candidate or such candidate's campaign committee or a public officer holding elective office in excess of those necessary to defray expenses pursuant to subsection (a) of this Code section and as determined by such candidate or such public officer may only be used as follows:

(A) As **contributions to any charitable organization** described in 26 U.S.C. 170(c) as said federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations;

(B) Except as otherwise provided in subparagraph (D) of this paragraph, for **transferal without limitation to any national, state, or local committee of any political party or to any candidate;**

(C) For **transferal without limitation to persons making such contributions,** not to exceed the total amount cumulatively contributed by each such transferee;

(D) For **use in future campaigns for only that elective office for which those contributions were received.** With respect to contributions held on January 1, 1992, or received thereafter, in the event the candidate, campaign committee, or public officer holding elective office has not designated, prior to receiving contributions to which this Code section is applicable, the office for which campaign contributions are received thereby, those contributions shall be deemed to have been received for the elective office which the candidate held at the time the contributions were received or, if the candidate did not then hold elective office, those contributions shall be

deemed to have been received for that elective office for which that person was a candidate most recently following the receipt of such contributions; or

(E) For **repayment of any prior campaign obligations incurred as a candidate.**

(2) Any candidate or public officer holding elective office may provide in the will of such candidate or such public officer that the contributions shall be spent in any of the authorized manners upon the death of such candidate or such public officer; and, in the absence of any such direction in the probated will of such candidate or such public officer, the contributions shall be paid to the treasury of the state party with which such candidate or such public officer was affiliated in such candidate's or such public officer's last election or elective office after the payment of any expenses pursuant to subsection (a) of this Code section. Notwithstanding any other provisions of this paragraph, the personal representative or executor of the estate shall be allowed to use or pay out funds in the campaign account in any manner authorized in subparagraphs (A) through (E) of paragraph (1) of this subsection.

(c) Contributions and **interest** thereon, if any, **shall not constitute personal assets** of such candidate or such public officer.

(d) (1) Contributions received by a **campaign committee designed to bring about the recall of a public officer holding elective office or to oppose the recall of a public officer holding elective office or any person or to bring about the approval or rejection by the voters of any proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in any county or municipal election and any proceeds derived from investing such contributions** shall be utilized only to defray ordinary and necessary expenses associated with influencing the voters on such issue.

(2) All contributions received by a campaign committee as provided in paragraph (1) of this subsection in excess of those necessary to defray expenses relative to the influencing of voters on such issue as determined by the campaign committee may only be used as follows:

(A) Contributions to any charitable organization described in 26 U.S.C. 170(c) as such federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations; or

(B) For repayment on a pro rata basis to persons making such contributions.

Preliminary Matters

❖ Declaration of Intent (DOI)

Reference: O.C.G.A. § 21-5-30 (g)

Fillable (Green Form)

Anyone who is not already a public officer and who plans to run for public office must file a Declaration of Intention to Accept Campaign Contributions BEFORE accepting such contributions. No such declaration is required of persons who are public officers and who plan to run for the same public office they currently hold.

Candidates for state offices including candidates for the General Assembly shall file a Form DOI with the State Ethics Commission.

County candidates file a Form DOI with their county filing officer.

Municipal candidates file a Form DOI with their Municipal Filing Officer.

❖ Registration Form for a Campaign Committee (RC)

Reference: O.C.G.A. § 21-5-3(2) and O.C.G.A. § 21-5-30(b)

Fillable (Yellow Form)

The term “campaign committee” as it relates to the candidate means the candidate, person(s) or committee which accepts contributions or makes expenditures for the purpose of bringing about the nomination or election of an individual to any elected office.

If a candidate has a campaign committee, the name and address of the committee, its chairman, treasurer and the candidate must be registered with the State Ethics Commission prior to accepting any contributions.

No candidate may have more than one committee.

No contributions may be accepted at any time there is a vacancy in either the position of chairman or treasurer. One person may serve as both chairman and treasurer.

Registration is accomplished by filing a completed Form RC, “Registration Form for a Campaign Committee” with the State Ethics Commission.

When a candidate is elected to office, the candidate’s campaign committee registration will remain in effect as long as the candidate remains in office until and unless the registration is canceled by the campaign committee or the candidate.

❖ **Registration Form for a Committee Other than Candidate's (RO)**

Reference: O.C.G.A. § 21-5-34(e)

Fillable (Blue Form)

This is an annual registration that expires at midnight on December 31st each year.

Any corporation, labor union, partnership, political action committee, non-candidate campaign committees, independent committees, good government committees, or any other organization which collects money for, contributes money to, or spends money on behalf of candidates or parties must register with the State Ethics Commission prior to raising, contributing or expending money for or to candidates or parties.

***Form RO Registration exemptions:

1. Corporations, PACs, or other entities that make contributions or expenditures of **\$5,000.00 or less** in one calendar year are exempt from the registration and reporting requirements.
2. Any entity that makes contributions only to **one candidate** in a calendar year, regardless of the dollar amount involved, is not required to register or file disclosure reports.
3. Individuals may make contributions of up to \$25,000.00 in a calendar year before triggering the registration and reporting requirements.

❖ **Choosing Option of Separate Accounting (COOSA)**

Reference: O.C.G.A. § 21-5-43 (a) (2)

Fillable (Gray Form)

A candidate who wishes to accept contributions for more than one election at a time shall separately account for such campaign contributions and shall file an "Option to Choose Separate Accounting" form with the **State Ethics Commission** prior to accepting contributions for any election other than the candidate's next upcoming election.

A candidate is only required to file one Form COOSA which shall be utilized for all subsequent elections to the same office, regardless or whether an election occurs in a new election cycle.

SEC Form DOI Rev 4/06	DECLARATION OF INTENTION TO ACCEPT CAMPAIGN CONTRIBUTIONS	Year of Election: _____ Date of this Filing: _____
Candidate (Full Name): _____ Candidate Address: _____ _____ Telephone Number(s): () _____ Give Name of Office Sought: (include district, post, or judicial circuit) <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal _____	Campaign Committee Chairperson (Full Name): _____ Chairperson Address: _____ _____ Telephone Number(s): () _____ Treasurer (Full Name): _____ Treasurer Address: _____ _____	
Name of Incumbent: _____ For Office Use 	Party Affiliation (Optional): <input type="checkbox"/> Democrat <input type="checkbox"/> Republican <input type="checkbox"/> Other or None _____ <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">SIGNATURE OF CANDIDATE</div>	

MAIL TO:
APPROPRIATE FILING OFFICER

Declaration of Intention to Accept Campaign Contributions (Form DOI):

If you are **not** currently a public officer holding elective office and plan to run for public office, you must file a DOI prior to accepting campaign contributions. Candidates for county offices file a DOI with their county filing officer. Municipal candidates file a DOI with their municipal filing officer. Candidates for state offices, including candidates for the General Assembly, file a DOI with the State Ethics Commission.

SEC Form RC Rev 4/06	REGISTRATION FORM FOR A CAMPAIGN COMMITTEE FOR USE BY CANDIDATE	Year of Election: _____ Date of this Registration: _____	<input type="checkbox"/> Original <input type="checkbox"/> Amendment
Committee (Full Name): _____ Committee Address: _____ Telephone Number(s): () _____ Chairperson (Full Name): _____ Chairperson Address: _____ Give Name of Office Sought: (include district, post, or judicial circuit) <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal		Candidate (Full Name): _____ Candidate Address: _____ Telephone Number(s): () _____ Treasurer (Full Name): _____ Treasurer Address: _____	
Name of Incumbent: _____		Party Affiliation (Optional): <input type="checkbox"/> Democrat <input type="checkbox"/> Republican <input type="checkbox"/> Other or None	
For Office Use 		SIGNATURE OF CANDIDATE REGISTERING COMMITTEE	

MAIL TO:
 STATE ETHICS COMMISSION
 205 JESSE HILL JR DR, SE
 STE 478 - EAST TOWER
 ATLANTA, GEORGIA 30334

Campaign Committee Registration by Candidate or Other (Form RC):

Candidates are not required to have a campaign committee. However, if a candidate forms a campaign committee, the candidate must register the committee with the State Ethics Commission prior to accepting any contributions. No contributions may be accepted at any time there is a vacancy in either the position of chairman or treasurer. One person may serve as both chairperson and treasurer. No candidate may have more than one committee.

SEC Form RO Rev 4/06	REGISTRATION FORM FOR A COMMITTEE OTHER THAN CANDIDATE'S	Year of Election: _____ Date of this Registration: _____	<input type="checkbox"/> Original <input type="checkbox"/> Amendment
Type of Committee (Check One): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Organization or person other than Candidate's Campaign Committee </div> <div> <input type="checkbox"/> Independent Committee </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> Constitutional Amendment or Statewide Referendum </div> <div> <input type="checkbox"/> County or Municipal Ballot Question </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Recall Election - Name of Public Officer & Office Held _____ _____ </div> <div style="margin-top: 10px;"> Committee (Full Name): _____ Committee Address: _____ _____ Telephone Number: () _____ </div>		Committee Affiliation: _____ Chairperson (Full Name): _____ Address: _____ _____ Treasurer (Full Name): _____ Address: _____ _____ Signature of Person Registering Committee: _____ For Office Use <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	

MAIL TO:

STATE ETHICS COMMISSION
205 JESSE HILL JR DR, SE
STE 478 - EAST TOWER
ATLANTA, GEORGIA 30334

**Registration of a Committee Other Than a Candidates Campaign Committee –
FORM-RO**

This is an annual registration that expires at midnight on December 31st of each year.

Any corporation, labor union, partnership, political action committee, non-candidate campaign committees, independent committees, good government committees, or any other organization which collects money for, contributes money to, or spends money on behalf of candidates or parties must register with the State Ethics Commission prior to raising, contributing or expending money for or to candidates or parties

SEC Form COOSA Rev 2/06	CHOOSING OPTION OF SEPARATE ACCOUNTING	Date this form is filed: _____
Candidate or Candidate's Committee (Full Name): _____ Address: _____ Telephone Number(s): () _____ <div style="border: 1px solid black; padding: 2px;"> Signature of Person choosing separate accounting option: _____ Printed Name of Person choosing separate accounting option: _____ Authority of Signer (Candidate, Treasurer, Chairman): _____ </div>		Name of Office Sought: _____ Year Office Election will be held: _____ SIGNER UNDERSTANDS THAT THIS CARD SHOULD BE FILED <u>ONLY IF</u> CONTRIBUTIONS ARE TO BE ACCEPTED FOR MORE THAN ONE ELECTION AT A TIME. SIGNER UNDERSTANDS THAT IF SEPARATE ACCOUNTING IS CHOSEN A SEPARATE BANK ACCOUNT MAY BE OPENED FOR EACH ELECTION.

MAIL TO:
 STATE ETHICS COMMISSION
 205 JESSE HILL JR DR, SE
 STE 478 - EAST TOWER
 ATLANTA, GEORGIA 30334

Choosing Option of Separate Accounting (Form COOSA)

A candidate who wishes to accept contributions for more than one election at a time shall separately account for such campaign contributions and shall file an "Option to Choose Separate Accounting" form with the State Ethics Commission prior to accepting contributions for any election other than the next upcoming election and **only if** contributions are to be accepted for more than one election at a time. If this option is chosen, a separate bank account **may** be opened for each election. A candidate is only required to file one COOSA form which is used for all subsequent elections to the same elective office, regardless of whether an election occurs in a new election cycle.

You May Already Be A Candidate If.....

Although qualifying for election or qualifying for nomination for election will make one a candidate, **merely receiving contributions** or **making expenditures** designed to bring about one's election or nomination for election, or **authorizing a campaign committee to do so**, confers candidate status even if the individual involved never formally qualifies as a candidate. Likewise, **filing a Declaration of Intention to Accept Campaign Contributions form** also confers candidate status, and persons who have filed such a declaration are required to file Campaign Contribution Disclosure Reports.

Any person who is an **unsuccessful candidate** in an election and who is required to file CCDRs shall for the remainder of the reporting cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental CCDR no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

Responsibilities of the Candidate

- ❖ DOI
- ❖ RC
- ❖ COOSA
- ❖ CAMPAIGN RECORD KEEPING
- ❖ CCDR
- ❖ FD
- ❖ EFILE
- ❖ TBD

Campaign Record Keeping

The record keeping requirements under the Ethics in Government Act are the same for both a candidate and a candidate's committee.

Records must be kept of all contributions received and all expenditures made.

Under the Ethics in Government Act there is no limitation on the amount of money a candidate or a candidate's campaign committee may spend in an election.

Campaign contribution amounts are limited and some contributions are prohibited.

Contributions of money (in any form) received are to be deposited in a **campaign depository account** opened and maintained by the candidate or the candidate's campaign committee.

The account may be an interest-bearing account; provided, however, that any interest earned on such account shall be reported and may only be used for the purposes allowed for contributions.

The Commission suggests that interest bearing accounts obtain a separate taxpayer identification number from the Internal Revenue Service so that interest generated is not erroneously reported as personal income of the candidate.

Those who elect the **separate accounting option** may also open, but are not required to open, a separate campaign depository account for each election for which contributions are accepted and allocated beyond their next upcoming election.

Accounts kept by the candidate or treasurer of a campaign committee **may be inspected** under reasonable circumstances before, during or after the election to which the accounts refer **by any authorized representative of the State Ethics Commission.**

Records of the accounts kept by the candidate or candidate's committee are required to be **preserved for three years past the termination date of the candidate's campaign.** However, since public disclosures are maintained for not less than five years candidates would be well advised to keep their records for at least as long.

The candidate or treasurer of each campaign committee must **keep detailed accounts, current within not more than five days** after the receipt of a contribution or the making of an expenditure.

Reporting Requirements

For contributions of \$101.00 or more the information reported must list contributor's name and mailing address, employer, occupation, the election for which the contribution is designated, along with the date the contribution is received, and the amount of the contribution, in the spaces provided on the Contributions of \$101.00 or more page. Please don't forget to alphabetize the entries by last name.

If the contribution is an in-kind contribution of \$101.00 or more in value, it must be listed and described in the prescribed box on the Contributions of \$101.00 or more page.

Contributions under \$101.00 are added together and placed in the prescribed box on the Summary Report page – not on the Contributions of \$101.00 or more page.

The law requires listing of contributions from the same contributor which, though individually are less than \$101.00, when taken with previous contributions from the same contributor during the calendar year cumulatively exceed \$101.00.

The treasurer or candidate must also keep detailed accounts of all deposits made to the separate campaign depository account including all interest earned on the deposits.

It is possible for a candidate or campaign committee to receive in-kind contributions as well as cash. An **in-kind contribution** is anything of value, other than money in any form, goods or services transferred to the candidate or campaign committee. Valuation of in-kind contributions should reflect what the goods or services would have cost if they had been obtained commercially through an arms length transaction.

In-kind contributions of \$101.00 or more require all the same information as monetary contributions and are listed in full on the Contributions of \$101.00 or more page.

Be sure to provide an accurate Estimated Value and a clear Description.

In-kind contributions of less than \$101.00 are aggregated on the Summary Report page of the CCDR.

A candidate may use his personal money or resources without limitation to finance a campaign. Such use of **personal funds** by a candidate is a campaign contribution, and all such contributions must be reported. Those of \$101.00 or more must be recorded and disclosed as contributions from the candidate on the Contributions of \$101.00 or more page. Use of personal funds by a candidate under \$101.00 must be included in the Summary Report's aggregated contributions under \$101.00 box.

Anonymous contributions are illegal. Any cash contribution received by a candidate who fails to record the name and address of the contributor and the amount of the contribution is an anonymous contribution. If an anonymous contribution is received it must be transmitted to the Office of Treasury and Fiscal Services in Atlanta. The recipient must also notify the State Ethics Commission of the receipt of the contribution and its subsequent transmittal to the Office of Treasury and Fiscal Services.

The Ethics in Government Act **forbids all state, county, and municipal** departments, bureaus, agencies, commissions, authorities or other political subdivisions **from making contributions to political campaigns. Acceptance of such contributions is likewise prohibited.**

The Ethics in Government Act classifies proceeds of a **loan, advance, or other extension of credit as contributions**, if their proceeds are used to influence the election or nomination for election of any person to public office in Georgia. The CCDD must show the name of the lending institution or party making the advance of credit; the amount of the loan; lender's name and address; names, mailing addresses, occupations and places of employment of all persons having any liability for repayment. Any person who has liability for repayment who also has a fiduciary relationship to the lender shall be identified and the relationship specified in the report.

The Ethics in Government Act also requires the aggregation and reporting of separate contributions of **less than \$101.00** which are knowingly received from a **COMMON SOURCE**. Members of the same family, firm or partnership or employees of the same individual, company, firm, corporation or other association or group are considered a common source.

State-wide officers and their campaign committees as well as members of the General Assembly and their campaign committees are **prohibited from accepting contributions during a legislative session**. If such a contribution is received, it should be returned with reasonable promptness to the contributor.

The Ethics in Government Act **forbids anyone** acting on behalf of a **public utility corporation regulated by the Public Service Commission** from making, directly or indirectly, any contribution to a political campaign.

The Ethics in Government Act prohibits certain regulated entities or persons acting on their behalf from making contributions to public officers who regulate such entities (Secretary of State, Attorney General, State School Superintendent, Commissioners of Insurance, Agriculture and Labor). Candidates for such offices are also prohibited from accepting contributions from regulated entities.

Expenditure means “a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis.

Report all **expenditures made of \$101.00** or more on the Expenditures made of \$101.00 or more page of the CCDR. Recipients of expenditures should be listed in alphabetical order.

Provide the name and mailing address of the recipient, the date of expenditure, person's occupation and place of employment if the recipient is an individual, the expenditure purpose, and the amount of the expenditure.

The expenditure purpose must be reported with such detail as shows the expenditure is for a purpose lawfully authorized for the expenditure of campaign funds.

The candidate or treasurer of the candidate's campaign committee must keep detailed accounts of all expenditures made. Detailed accounts must also be kept of all withdrawals from the campaign depository account.

All expenditures, which are individually less than \$101.00, must be totaled and shown in the appropriate box on the Summary Report page of the CCDR.

Remember --- report campaign expenses as expenditures on the disclosure report for the time period when anything of value (goods or services) is received even if payment is deferred.

Anything of value that is received, provided to, furnished to, or conveyed to or on behalf of a candidate or campaign committee is required to be reported on the CCDR for the time period in which the thing of value is provided. If the goods or services have not been paid for at the time the report is filed, then this should be recorded as a deferred payment on the CCDR.

Paying off campaign debt..... candidates who have chosen COOSA may not use contributions earmarked for a future election to pay debts from a prior election, unless and until the election for which the separately accounted for contributions were earmarked has been held, and campaign obligations remain outstanding from a prior election.

If, following a candidate's last election in an election cycle, the candidate's campaign funds are insufficient to pay all campaign obligations incurred prior to the election, the candidate may accept contributions which will be attributed to the contribution limits for such last election. However, contributions attributable to such last election may not be accepted in excess of the amount of money necessary to retire the campaign debt remaining from such last election.

"Millionaire's Clause" HB 48 brought this change to the Ethics in Government Act.....it provides that a candidate who loans money to his campaign **will not** be able to **use campaign funds to repay that loan after an election** to the extent that the loan exceeds \$250,000.00.

Contributions received for an election which does not occur or for which the candidate does not qualify.....
Contributions received for an election beyond the candidate's next upcoming election must be placed in a separate campaign depository account and not spent or encumbered until the preceding election has been held and it is determined that the candidate will be on the ballot for the election for which the separately accounted for contributions were received.

If the candidate has accepted contributions which were separately accounted for and held pending the results of a preceding election, such contributions must be returned in full to the original contributors if either of the following are true:

- The election for which the contributions were accepted will not be held.
- The candidate for whom the contributions were accepted is not on the ballot in the election for which the contributions were accepted.

Any refund which can not be delivered to the original contributor due to lack of a forwarding address shall be treated as excess funds and only expended in a manner authorized for disposition of excess funds.

Contributions to a candidate, a campaign committee, or a public officer holding elective office and any proceeds from investing such contributions shall be utilized only to defray ordinary and necessary expenses, which may include any loan of money from a candidate or public officer holding elective office to the campaign committee of such candidate or such public officer, incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office.

The Campaign Contribution Disclosure Report

❖ Who Needs To File

The Ethics in Government Act requires public disclosure of campaign financing and significant private interests of public officers and candidates for public office. When all potential influences on candidates and public officials are disclosed, voters are better able to determine whether personal financial concerns or obligations to special interests may prevent a candidate or public officer from acting solely in the public interest.

Reference: O.C.G.A. § 21-5-34

Candidates or campaign committees who accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions.

The chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer.

Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum.

Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state.

Any corporation, labor union, partnership, political action committee, non-candidate campaign committee, independent committee, good government committee, or any other organization which collects money for, contributes money to, or spends money on behalf of candidates or parties must file campaign contribution disclosure reports on the same basis as the candidates the entity is supporting.

Elected officials and any candidate seeking elected office in Georgia or the chairperson or treasurer of their campaign committee must file campaign contribution disclosure reports. Reports are required to be filed even if all contributions received are less than \$101.00. Anyone who has filed a Declaration of Intention to Accept Campaign Contributions must file these reports, even if there has been no activity.

Note: A candidate, who qualifies prior to the primary for nomination through a “political body” or “petition” process, must file disclosure reports the same as the candidate who enters through the primary process. This requirement also applies to the write-in candidate who files a “notice of intention of candidacy”. If this person becomes a candidate after the due date of a report, then only the reports due after the person becomes a candidate can be required.

The following is a list of those offices for which a candidate must file campaign contribution disclosure reports.

AT THE STATE LEVEL

Governor	Public Service Commissioners
Lieutenant Governor	Senators
Attorney General	Representatives
Secretary of State	Justices of Supreme Court
Commissioner of Insurance	Judges of Court of Appeals
Commissioner of Agriculture	Judges of Superior Court
State School Superintendent	District Attorneys
Commissioner of Labor	

AT THE COUNTY LEVEL

State Court Judges	Coroners
Solicitors	Magistrates
Clerks of Superior Court	County Commissioners
Sheriffs	Judges of Probate Court
Tax Commissioners	Judges of Civil Court
Tax Assessors	Judges of Records Court
Tax Receivers	School Board Members
Tax Collectors	Surveyors
Other Elected County Offices (<i>except Soil & Water Conservation District Supervisors</i>)	

AT THE MUNICIPAL LEVEL

Mayors	Council Members
Aldermen	Clerks of Municipal Court
Judges of Municipal Court	Marshalls of Municipal Court
Other Elected Municipal Offices	

❖ What It Is

Reference: O.C.G.A. § 21-5-3 (3)

“Campaign Contribution Disclosure Report” means a report filed with the appropriate filing officer by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures of \$101.00 or more and all contributions of \$101.00 or more, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is \$101.00 or more for the calendar year in which the report is filed.

Such report shall also include the total amount of all individual contributions received or expenditures made of less than \$101.00 each.

The first report required in the calendar year of the election shall contain all such expenditures made and all such contributions received by the candidate or the committee in prior years in support of the campaign in question.

Reference: O.C.G.A. § 21-5-34(b) (1)

All reports shall list the following:

- (A) For contributions of \$101.00 or more.....the amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and if the contributor is an individual, that individual’s occupation and the name of his/her employer.
- (B) For expenditures of \$101.00 or more.....the amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual’s occupation and the name of his/her employer and the general purpose of the expenditure.
- (C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship.
- (D) All contributions received and total expenditures made.
- (E) The corporate, labor union, or other affiliation of any PAC or Independent Committee making a contribution of \$101.00 or more.

❖ When & Where To File

Reference: O.C.G.A. §21-5-34 (c)

Candidates or their Campaign Committees:

- (1) In each non-election year on June 30 and December 31
- (2) In each year in which the candidate qualifies to run for public office:
 - (A) March 31, June 30, September 30, October 25, and December 31
 - (B) 6 days before any run-off primary or election
 - (C) Two Business Days Report ***TBD*** (formerly known as the 48-hour report) during the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election.
- (3) 15 days prior to a Special Primary and 6 days prior to a Special Primary Run-Off
- (4) 15 days prior to a Special Election and 6 days prior to a Special Election Run-Off

State level filings are made to the State Ethics Commission.

County level filings are made to the County Election Superintendent.

Note:

In any county in which the county board of elections does not maintain an office open to the public during normal business hours for five days a week, the reports shall be filed in the office of the judge of the probate court of that county.

Municipal level filings are made to the Municipal Clerk, if there is no clerk, with the chief executive officer of the municipality.

A candidate for membership in the **General Assembly** or the chairperson or treasurer of such candidate's campaign committee shall file the candidate's report **with the State Ethics Commission** and a **copy** of the report with the **Election Superintendent** of the county of the candidate's residence.

Reference: O.C.G.A. § 21-5-34(e)

PACs, Committees, and Other Non-Candidates:

1. File in the same places and at the same times as required of the candidates they are supporting, once the registration and reporting requirements are triggered.
2. **But are not required to file copies of campaign contribution disclosure reports with local election superintendents, IF THEY ARE SUPPORTING CANDIDATES FOR THE GENERAL ASSEMBLY.**

Reference: O.C.G.A. § 21-5-34(f)

Independent Committees:

File with the State Ethics Commission as follows:

- (A) On the first day of each of the two calendar months preceding the election
- (B) Two weeks prior to the date of the election
- (C) Within the two-week period prior to the date of the election, the committee shall report within 2 business days any contributions or expenditures of more than \$1000.00, utilizing a FORM-TBD-INDEPENDENT.

The Independent Committee shall file a final report prior to December 31 of the year in which the election is held and shall file supplemental reports on June 30 and December 31 of each year that the Independent Committee continues to accept contributions or make expenditures.

Note:

f(3) Whenever an Independent Committee makes an expenditure for the purpose of financing any communication intended to affect the outcome of an election, such communication shall clearly state that it has been financed by such Independent Committee.

Reference: O.C.G.A. § 21-5-34(g)

Recall Committees:

Any campaign committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer or to oppose the recall of public officer files with the State Ethics Commission as follows:

- (1) Initial report within 15 days after the date when the official recall petition forms were issued to the sponsors
- (2) 2nd report 45 days after the filing of the initial report
- (3) 3rd report within 20 days after the Election Superintendent certifies legal sufficiency or insufficiency of a recall petition
- (4) Final report is filed prior to December 31 of the year in which the recall election is held or, in any case where such recall election is not held, a final report shall be filed prior to December 31 of any year in which such campaign committee accepts such contributions or makes such expenditures
- (5) **If the recall involves STATE OFFICIALS or COUNTY OFFICIALS, a copy of each of the reports shall also be filed with the Election Superintendent in the county of residence of the official sought to be recalled.**

If the recall involves MUNICIPAL OFFICIALS, a copy of the reports shall also be filed with the Municipal Clerk in the municipality of residence of the official sought

to be recalled or, *if there is no clerk*, with the chief executive officer of the municipality.

Reference: O.C.G.A. § 21-5-34(h)

Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a **proposed constitutional amendment** or a **state-wide referendum** shall file a campaign contribution disclosure report with the **State Ethics Commission** as follows:

75 days prior to the election

45 days prior to the election

15 days prior to the election

Prior to December 31 of the year in which the election is held.

Reference: O.C.G.A. § 21-5-34 (a) (2) (A) and (B)

Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a **proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state shall file a campaign contribution disclosure report** as follows:

Any such report shall be filed 15 days prior to the date of the election and a

Final report shall be filed prior to December 31 of the year in which the election is held.

This filing is only required if the campaign committee has received contributions or made expenditures which total more than \$500.00.

Note: All advertising pertaining to referendums shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

The report shall be filed with the County Election Superintendent in the case of a county election.

The report shall be filed with the Municipal Clerk in the case of a municipal election.

WIN, LOSE, OR WITHDRAW.....REPORTS MUST BE FILED

Reference: O.C.G.A. § 21-5-34(j) (1) and (2)

Any elected public officer, upon leaving public office with excess contributions, is required to file supplemental campaign contribution disclosure reports on June 30 and December 31 of each year until the contributions are expended as provided for in Code Section 21-5-33

Any unsuccessful candidate (withdraws or is defeated) in an election is required to file campaign contribution disclosure reports for the remainder of the reporting cycle, at the same times as a successful candidate. If an unsuccessful candidate has excess campaign contributions he/she is required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until the contributions are expended as provided for in Code Section 21-5-33

Any unsuccessful candidate who receives contributions following the election to retire debts incurred in the campaign for elective office is required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such unpaid expenditures from the campaign are satisfied

❖ Late or On Time

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two-days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within two business days.

Reports will be accepted by the filing officer after the grace period has expired, however, the filer will be in violation of the law and subject to late filing fees as well as possible

Reference: O.C.G.A. § 21-5-34(l)

A \$25.00 automatic late filing fee is imposed for each report that is filed late.

Additionally, a filing fee of \$50.00 is imposed on the fifteenth day after the due date if the report has still not been filed.

2006 Campaign Contribution Disclosure Report Filing Periods/Grace Periods

The following dates are provided for candidates and their campaign committees, as well as for organizations, or persons other than candidates' campaign committees:

Election Year Reporting:

End of Filing Period

March 31, 2006
June 30, 2006
September 30, 2006
October 25, 2006
December 31, 2006

End of 5-day Grace Period

April 7, 2006
July 10, 2006
October 6, 2006
November 1, 2006
January 8, 2007

Non-Election Year Reporting:

End of Filing Period

June 30, 2006
December 31, 2006

End of 5-day Grace Period

July 10, 2006
January 8, 2007

If a run-off election is necessary following a primary, general, or special election, candidates in such an election shall file the required report 6 days prior to the run-off election and shall have a 2-day grace period in filing the reports.

❖ **Electronic Filing**

Reference: O.C.G.A. § 21-5-34.1(a)

Candidates seeking election to the following offices are required to file campaign contribution disclosure reports electronically with the State Ethics Commission upon having raised or spent a minimum of \$20,000.00 in an election cycle:

*Governor
Attorney General
Insurance Commissioner
Commissioner of Labor
Justices of Supreme Court
Public Service Commissioners*

*Lieutenant Governor
Secretary of State
Commissioner of Agriculture
State School Superintendent
Judges of Court of Appeals*

All filers must complete and hand-deliver or mail an original CCDR PIN APPLICATION prior to filing electronically with the State Ethics Commission.

THE PIN APPLICATION MUST INCLUDE A VALID EMAIL ADDRESS IN ORDER TO RECEIVE A PASSWORD TO FILE ELECTRONICALLY.

When campaign contribution disclosure reports are filed electronically, the filer shall submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct. **NO PAPER COPY OF THE REPORT SHALL BE FILED WITH THE STATE ETHICS COMMISSION.**

Reference: O.C.G.A. § 21-5-34.1(b)

Candidates seeking election to the following offices are required to file campaign contribution disclosure reports electronically with the State Ethics Commission upon having raised or spent a minimum of \$10,000.00 in an election cycle:

*General Assembly (Senators & Representatives)
Judges of Superior Court
District Attorneys*

All filers must complete and hand-deliver or mail an original CCDR PIN APPLICATION prior to filing electronically with the State Ethics Commission.

THE PIN APPLICATION MUST INCLUDE A VALID EMAIL ADDRESS IN ORDER TO RECEIVE A PASSWORD TO FILE ELECTRONICALLY.

When campaign contribution disclosure reports are filed electronically, the filer shall submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct. ****NO PAPER COPY OF THE REPORT SHALL BE FILED WITH THE STATE ETHICS COMMISSION.**

➤ *NOTE: In the case of the General Assembly, a copy of their report must be filed with the election superintendent of the county of the candidate's residence.*

Refer to Code Section 21-5-34 (a) (1) (A)

Reference: O.C.G.A. § 21-5-34.1 (c)

Candidates seeking election to the county or municipal offices are required to file campaign contribution disclosure reports electronically with the election superintendent of their county or the municipal clerk or chief executive officer of their municipality upon having raised or spent a minimum of \$10,000.00 in an election cycle.

When campaign contribution disclosure reports are filed electronically, the filer shall submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct.

NO PAPER COPY OF THE REPORT IS FILED WITH THE STATE ETHICS COMMISSION OR WITH THE COUNTY ELECTION SUPERINTENDENT.

➤ *NOTE: An online filer with the State Ethics Commission will complete the affidavit as a part of the filing process (see next page for an example of the affidavit). The affidavit is the front page of the online CCDR. The CCDR with the affidavit can be copied as a PDF file and then printed.*

Reference: O.C.G.A. § 21-5-34.1 (d)

Political Action Committees and Independent Committees are required to file campaign contribution disclosure reports electronically with the State Ethics Commission upon having raised or spent \$5000.00 in a calendar year. Under that threshold, efilings are permitted and encouraged but not required.

When campaign contribution disclosure reports are filed electronically, the filer shall submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct.

**STATE OF GEORGIA
CAMPAIGN CONTRIBUTION DISCLOSURE REPORT**

Electronically Filed With _____
(City or County Filing Officer)

Date of This Filing: _____

Name of Public Officer or Candidate: _____

Mailing Address: _____

Telephone Number: (Office) _____ (Home) _____

Name of Public Office Held or Sought: _____
(Include County, Municipality, District, Post or Judicial Circuit)

**PAPER NOTARIZED AFFIDAVIT REQUIRED FOR ANY CAMPAIGN CONTRIBUTION
DISCLOSURE REPORTS FILED ELECTRONICALLY.**

SEND TO:
State Ethics Commission
205 Jesse Hill Jr. Drive, S.E.
Suite 478 – East Tower
Atlanta, GA 30334

State of Georgia

County of _____

I, the undersigned, being duly sworn, do swear or affirm, certify and say that the Campaign Contribution Disclosure Report that I have filed electronically (this affidavit and the information hereinabove set forth constitute the first portion thereof) is true, complete, and correct to the best of my knowledge and belief.

Sworn to and subscribed before me on _____, 20 _____.

Signature of Notary Public

Signature of Affiant Filer

My Commission Expires on _____, 20 _____.

How to Complete the CCDR Form – General Information

❖ Contributions

Reference: O.C.G.A. § 21-5-3 (7)

"Contribution" means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state.

The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis.

The term "contribution" shall include other forms of payment made to candidates for office or who hold office when such fees and compensation made can be reasonably construed as a campaign contribution designed to encourage or influence a candidate or public officer holding elective office.

The term "contribution" shall also encompass transactions wherein a qualifying fee required of the candidate is furnished or paid by anyone other than the candidate.

Reference: O.C.G.A. § 21-5-30

Contributions of money received by a candidate or a committee must be promptly deposited in a separate campaign depository account opened and maintained for the purpose of influencing the nomination for election or election of a candidate.

The account may be an interest bearing account and any interest earned must be reported.

The candidate or treasurer of each campaign committee must keep detailed accounts, current within not more than five days after the receipt of a contribution or the making of an expenditure, of all contributions or expenditures.

The candidate or committee treasurer must also keep detailed accounts of all deposits made to the separate campaign depository account including all interest earned.

Reporting Contributions

For contributions of \$101.00 or more the information reported must list contributor's name and mailing address, PAC affiliation (if applicable), date the contribution is received, type of contribution (monetary, in-kind, loan, common source, credit received on loan), the occupation and employer of the contributor, election cycle (Primary, General, Special, etc.), cash amount or in-kind estimated value & description.

Contributions less than \$101.00 are added together and placed in the prescribed box on the Summary Report page

The law requires listing of contributions from the same contributor which, though individually less than \$101.00, when taken with previous contributions from the same contributor during the calendar year cumulatively exceed \$101.00.

Personal use of contributions under any circumstances is prohibited.

A candidate may use his personal money or resources without limitations to finance a campaign or to supplement contributions received from others. Such use of personal funds by a candidate is a campaign contribution, and all such contributions must be reported.

A candidate's contribution of personal funds of \$101.00 or more must be recorded and disclosed as contributions from the candidate on the "Listed Contributions Page".

Use of personal funds by a candidate under \$101.00 must be included in the Summary Report's box for aggregated contributions under \$101.00.

An **in-kind** contribution is anything of value, other than money in any form, transferred to the candidate or campaign committee.

Examples of in-kind contributions are loan of an airplane, allowing the use of office space, and free preparation of campaign posters.

Valuation of in-kind contributions should reflect what the goods or services would have cost if they had been obtained commercially through an arms length transaction.

In-kind contributions of \$101.00 or more require all the same information as monetary contributions and are listed in full on the LISTED CONTRIBUTIONS RECEIVED page of the CCDR.

Be sure to provide an accurate estimated value and a clear description.

In-kind contributions under \$101.00 are aggregated on the Summary Report page of the CCDR.

Bank notes and loans

The Ethics in Government Act classifies proceeds of a loan, advance, or other extension of credit as contributions, if these proceeds are used to influence the election or nomination for election of any person to public office in Georgia.

The CCDD must show the name of the lending institution or party making the advance of credit; the amount of the loan; lender's name and address; names, mailing addresses, occupations and places of employment of all persons having any liability for repayment.

NOTE: Any person having liability for repayment who also has a fiduciary relationship to the lender shall be identified and the relationship specified in the report.

Common Source

The Ethics in Government Act also requires the aggregation and reporting of separate contributions of less than \$101.00 which are knowingly received from a COMMON SOURCE.

Members of the same family, firm or partnership or employees of the same individual, company, firm, corporation or other association or group are considered a common source.

However, the purchase of tickets for not more than \$25.00 each and for attendance at a fundraising event by members of the same family, firm, or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

Reference: O.C.G.A. § 21-5-43 (3)

In order to allocate contributions to a past election, the candidate shall have outstanding campaign debt from the previous election.

Any outstanding indebtedness is recorded on the CCDR. The Election Cycle and Election Year is required information. When you respond to the requirements of the form you are simply:

1. entering the amount (if any) of outstanding indebtedness at the beginning of the reporting period
2. adding to this the amount of any loans received during this reporting period
3. adding to this the amount of deferred payments of expenses (if any) made during this reporting period
4. then subtracting the amount of payments made on loans (if any) during this reporting period
5. and then subtracting the amount of any credits received on loans (if any) during this reporting period
6. and finally you subtract the amount of any payments made this reporting period on previously deferred expenses

This will provide you with the total outstanding indebtedness for the beginning of the next reporting period.

Reference: O.C.G.A. § 21-5-41 (h)

Any candidate or campaign committee who incurs loans on or after January 9, 2006, in connection with the candidate's campaign for election shall not repay, directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of the election for which the loan was made to the extent that such loans exceed \$250,000.00. (Can pay back after the election, but only up to \$250,000.00)

❖ Expenditures

Reference: O.C.G.A. § 21-5-3 (11)

“Expenditure” means a purchase, payment, distribution, loan, advance, deposit, or any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public office holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state, or a county, or a municipal election in this state.

The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis.

The term expenditure shall also include the payment of a qualifying fee for and in behalf of a candidate.

Reference: O.C.G.A. § 21-5-3 (18)

“Ordinary and necessary expenses” shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

Reporting Expenditures

For expenditures of \$101.00 or more the information reported must list the name and mailing address of the recipient, date of the expenditure, type of expenditure (expenditure, loan refund, refund, reimbursement, credit card, 3rd party, deferred payment or payment on deferred expense), the occupation or place of employment of the recipient, the expenditure purpose and the amount paid.

The expenditure purpose must be reported with such detail as shows the expenditure is for a purpose lawfully authorized for campaign funds.

A candidate or treasurer of a campaign committee must keep detailed accounts of all expenditures made. Detailed accounts must also be kept of all withdrawals from the campaign banking account.

All expenditures, which are individually less than \$101.00, must be totaled and placed in the prescribed box on the Summary Report page.

Remember to report campaign expenses as **expenditures** on the disclosure report for the time period when anything of value (goods or services provided to the campaign) is received **even if payment is deferred.**

Deferred Payment of Expenses

Anything of value that is received by, provided to, furnished to, or conveyed to or on behalf of a candidate or campaign committee is required to be reported on the campaign contribution disclosure report for the time period in which the thing of value is provided.

Paying Off Campaign Debt

Candidates who have chosen the option of separate accounting may not use contributions earmarked for a future election to pay debts from a prior election, unless and until the election for which the separately accounted for contributions were earmarked has been held, and campaign obligations remain outstanding from a prior election.

If, following a candidate's last election in an election cycle, the candidate's campaign funds are insufficient to pay all campaign obligations incurred prior to the election; the candidate may accept contributions which will be attributed to the contribution limits for such last election. However, contributions attributable to such last election may not be accepted in excess of the amount necessary to retire the campaign debt remaining from such last election.

❖ Excess Contributions

Contributions received for an election beyond the candidate's next upcoming election must be placed in a separate campaign depository account and not spent or encumbered until the preceding election has been held and it is determined that the candidate will be on the ballot for the election for which the separately accounted for contributions were received.

If the candidate has accepted contributions which were separately accounted for and held pending the results of a preceding election, such contributions must be returned in full to the original contributors thereof if either of the following are true:

1. The election for which the contributions were accepted will not be held.
2. The candidate for whom the contributions were accepted is not on the ballot in the election for which the contributions were accepted.

Any refunds which are required must be made within thirty (30) days of any determination that the election for which the contributions were accepted will not be held, or within thirty (30) days of an event which determines that the candidate for whom the contributions were accepted will not be on the ballot in the election for which the contributions were accepted.

If refunds are from non-interest bearing accounts, such refunds shall be made without interest. However, in the event the contributions to be refunded have been maintained in an interest bearing account, all interest generated thereon shall be distributed pro rata along with full refunds to each of the original contributors.

Any refund which cannot be delivered to the original contributor due to lack of a forwarding address shall be treated as excess funds and only expended in a manner authorized for disposition of excess funds.

At the conclusion of an election, excess contributions may be spent on subsequent elections in the same election cycle. If there are no remaining elections in the election cycle, or even if there are remaining elections but the candidate will not be on the ballot for any election remaining in the election cycle, all excess contributions remaining after payment of campaign expenses must be disposed of following the law governing “excess contributions.”

DISPOSITION OF CONTRIBUTIONS:

What you may do with excess contributions.....

Contributions received by candidates or their campaign committees, or a public officer, and any interest earned on the contributions can be used only to defray ordinary and necessary expenses, which may include any loan of money from a candidate or public officer to the candidate’s campaign committee, incurred in connection with the candidate’s campaign for elective office or a public officer’s fulfillment or retention of the office.

All excess contributions may only be used as follows:

1. As contributions to any charitable organization -----this includes educational, eleemosynary (supported by or depending on charitable gifts), and nonprofit organizations.
2. For transferal without limitation to any national, state, or local committee of any political party or to any candidate.
3. For transferal without limitation to persons making such contributions, not to exceed the total amount cumulatively contributed by each such contributor.
4. For use in future campaigns for only that elective office for which those contributions were received. (These funds can not be used to run for a different office.)
5. For repayment of any prior campaign obligations incurred as a candidate.

<div style="display: flex; justify-content: space-between;"> State of Georgia Campaign Contribution Disclosure Report </div>			
1. Report Type (Select One) <input type="checkbox"/> Original Report <input type="checkbox"/> Amended Report Amendment # _____	2. Filing is being made on behalf of (Select One): <input type="checkbox"/> Candidate or Public Official Office Sought or Held: _____ <div style="text-align: center; font-size: small;">(Include county, municipality, district, post or judicial circuit)</div> Committee Name: _____ <input type="checkbox"/> Report of Organization or Person Other than Candidate's Campaign Committee		Filing office use only Use Earlier of Post Mark or Hand Delivered Date
3. Identifying and Contact Information			
(1) _____ <div style="font-size: small;">Full Name of Candidate or Non-Candidate Campaign Committee</div>		(2) _____ <div style="font-size: small;">Today's Date</div>	
(3) _____ <div style="display: flex; justify-content: space-between; font-size: small;"> Mailing Address City State Zip Code </div>			
(4) () - _____ and / or () - _____ <div style="font-size: small;">Contact Phone Number (We will understand the release of this information as permission to call your office if necessary)</div>			
(5) If a Candidate or Public Official, is there a campaign committee (one or more persons) to make campaign transactions, keep the financial records of the campaign, or file the reports? <input type="checkbox"/> Yes (6) If so, is the committee registered with the State Ethics Commission? <input type="checkbox"/> Yes			
(7) If so, complete the following: _____ <div style="font-size: small; text-align: center;">Name of Chairperson and / or Treasurer of Committee</div>			
4. Period for which you are Reporting			
You Must Check Only One Box			
My Non Election Year <input type="checkbox"/> June 30, ____ (year) <input type="checkbox"/> Dec. 31, ____ (year) <div style="font-size: x-small;"> *Persons elected to office in each year following the year in which the election occurs *Persons leaving office with excess funds until such funds are expended as provided in the Act *Unsuccessful candidates with excess funds, or who receive contributions to retire debt incurred, until such funds are expended, or such unpaid debts are satisfied (December 31 filing only) </div>	My Election Year <input type="checkbox"/> March 31, ____ (year) <input type="checkbox"/> June 30, ____ (year) <input type="checkbox"/> September 30, ____ (year) <input type="checkbox"/> October 25, ____ (year) <input type="checkbox"/> December 31, ____ (year)	Run-Offs <div style="font-size: x-small;">(Report required only if you are in a Run-Off Election)</div> <input type="checkbox"/> 6 days before Primary Run-Off, ____ (year) <input type="checkbox"/> 6 days before General Run-Off, ____ (year) <input type="checkbox"/> 6 days before Special Primary Run-Off, ____ (year) <input type="checkbox"/> 6 days before Special Run-Off, ____ (year)	Special Elections <div style="font-size: x-small;">(Report required only if you are in a Special Election)</div> <input type="checkbox"/> 15 days before Special Primary, ____ (year) <input type="checkbox"/> 15 days before Special, ____ (year) <input type="checkbox"/> Dec. 31, ____ (year)
<div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Verification by Oath or Affirmation </div> <div style="display: flex; justify-content: space-between;"> State of _____ County of _____ </div> <p>I, _____, being duly sworn (affirm), depose and say that the information in this report form is complete, true, and correct. Further, I affirm that the contents in this report are the same as the contents in the electronic filing submitted, if also electronically filed.</p> <p>Sworn to and subscribed before me on _____, 20____</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> _____ Signature of Notary Public </div> <div style="width: 45%;"> _____ a. Signature of Candidate b. Organization/Chairperson/Treasurer </div> </div> <p>My Commission expires _____</p> <div style="font-size: x-small; margin-top: 10px;"> PENALTIES: Any person who knowingly fails to comply with or who knowingly violates any of the provisions of the Ethics in Government Act shall be guilty of a misdemeanor. </div>			

**State of Georgia
Campaign Contribution Disclosure Report
Summary Report**

CONTRIBUTIONS RECEIVED

1	I have: No contributions to report. The following contributions, including Common Source, to report:	<u>In-Kind Value</u>	<u>Cash Amount</u>
2	A. If this is the first time to file a disclosure report for the current office sought , ENTER 0 in both columns (one time only); or B. If this is the first report of this Reporting Cycle*, ENTER 0 in the in-kind column and list any net balance on hand brought forward from the previous reporting cycle in the cash amount column (Line 13 of previous report , or total funds left over at year end of previous cycle); or C. If this filing is the second or subsequent filing or this Reporting Cycle, list totals from Line 6 of previous report in both the in-kind and cash amount columns.		
3	Total amount of all contributions of \$101.00 or more received in this reporting period. Each such contribution must be listed on the "Listed Contributions Received" page.		
3a	All loans received this period.		
3b	Interest earned on campaign account this period.		
4	Total amount of all separate contributions of less than \$101.00 each that were reported in this reporting period. "Common Source" contributions must be aggregated on the "Listed Contributions Received" page.		
5	Total contributions reported this period. (Line 3 + 3a + 3b + 4)		
6	Total contributions to date. <i>Total to be carried forward to next report of this reporting cycle*.</i> (Line 2 + 5)		

EXPENDITURES MADE

7	I have: No expenditures to report. The following expenditures to report:	<u>In-Kind Value</u>	<u>Cash Amount</u>
8	Total expenditures made and reported prior to this reporting period. If this is the first report of this Reporting Cycle*, ENTER 0. (Line 12 of previous report)		
9	Total amount of all expenditures of \$101.00 or more made in this reporting period.		
10	Total amount of all separate expenditures of less than \$101.00 each that were made in this reporting period.		
11	Total expenditures reported this period. (Line 9 + 10)		
12	Total expenditures to date. <i>Total to be carried forward to next report of this reporting cycle*.</i> (Line 8 + 11)		
13	Net balance on hand. (Line 6 - Line 12)		

* O.C.G.A. 21-5-34(b)(1)(D)(ii) A reporting cycle shall commence on January 1 of the year in which an election is to be held for the public office to which a candidate seeks election and shall conclude:

(I) At the expiration of the term of office if such candidate is elected and does not seek reelection or election to some other office;

(II) On December 31 of the year in which such election was held if such candidate is unsuccessful; or

(III) If such candidate is successful and seeks reelection or seeks election to some other office the current reporting cycle shall end when the reporting cycle for reelection or for some other office begins

Public Officer/Candidate/Non-Candidate Committee Name _____

State of Georgia Campaign Contribution Disclosure Report Outstanding Indebtedness		
Election Cycle*: _____ Election Year: _____		Amount
1	Outstanding indebtedness at the beginning of this period.	
2	Loans received this period.	
3	Deferred payment of expenses this period	
4	Payments made on loans this period.	
5	Credits received on loans this period.	
6	Payments this period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		Amount
1	Outstanding indebtedness at the beginning of this period.	
2	Loans received this period.	
3	Deferred payment of expenses this period	
4	Payments made on loans this period.	
5	Credits received on loans this period.	
6	Payments this period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		Amount
1	Outstanding indebtedness at the beginning of this period.	
2	Loans received this period.	
3	Deferred payment of expenses this period	
4	Payments made on loans this period.	
5	Credits received on loans this period.	
6	Payments this period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	

* Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

Public Officer/Candidate/Non-Candidate Committee Name _____

State of Georgia Campaign Contribution Disclosure Report Listed Contributions Received of \$101.00 or More					
Full Name of Contributor Mailing Address (PAC Affiliation if applies)	Contributor		Election Cycle**	Cash Amount	In-Kind Contributions
	Received Date Contribution Type*	a. Occupation			Estimated Value
		b. Employer			
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	
				\$	

Page Total \$ _____ \$ _____

The Act requires all public officers, candidates, and campaign committees to list contributions received and expenditures made which are individually \$101.00 or more and to disclose the total amount of all contributions received and expenditures made which are individually less than \$101.00.

* Contribution Type (Monetary, In-Kind, Loan, Common Source, Credit Received on Loan)

** Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

Public Officer/Candidate/Non-Candidate Committee Name _____ Page _____ of _____

State of Georgia Campaign Contribution Disclosure Report Listed Expenditures Made of \$101.00 or More				
List Name and Mailing Address of Recipient	Expenditure Date Expenditure Type*	Occupation and Place of Employment	Expenditure Purpose	Amount Paid
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$

Page Total \$ _____

The Act requires all public officers, candidates, and campaign committees to list contributions received and expenditures made which are individually \$101.00 or more and to disclose the total amount of all contributions received and expenditures made which are individually less than \$101.00.

* Expenditure Type (Expenditure, In-Kind, Loan Repayment, Refund, Reimbursement, Credit Card, 3rd Party, Deferred Payment, Payment on Deferred Expense)

Public Officer/Candidate/Non-Candidate Committee Name _____ Page _____ of _____

**State of Georgia
Campaign Contribution Disclosure Report
Addendum Statement**

The Addendum Statement should be used for explanation of any additional information needed to complete an accurate filing of this report.

Public Officer/Candidate/Non-Candidate Committee Name _____ Page _____ of _____

❖ **Two Business Days Report of Contributions Received**
FORM-TBD (formerly known as 48-hour report)

This form is used to report contributions (including loans) of \$1,000.00 or more, if received between the last report due before an election and the election itself and must be reported within two business days of receipt.

Reference: O.C.G.A. § 21-5-34 (c) (2) (C)

During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt to the location where the original disclosure report for such candidate or committee was filed and also reported on the next succeeding regularly scheduled campaign contribution disclosure report.

The following identifying information is required:

- ✓ Full name of the contributor
- ✓ Mailing address of the contributor
- ✓ PAC affiliation if applicable
- ✓ Date contribution was received
- ✓ Type of contribution (Monetary, In-Kind or Loan)
- ✓ Occupation & employer of the contributor
- ✓ Election (Primary, Primary Run-Off, General, General Run-Off, etc.)
- ✓ Amount of contribution

The form must be signed and dated. Notarization is not required.

FORM-TBD must be mailed and also sent via facsimile, electronic transmission, or hand-delivered to the filing office within two business days of contribution.

No grace period shall apply to contributions required to be reported within two business days.

If filing with the State Ethics Commission, please fax to 404-463-1988.

If you are a candidate for a local office, please contact your local filing officer for a fax number.

State of Georgia Two Business Days Report of Contributions Received (Formerly 48 Hour Report) MUST BE MAILED <u>AND</u> ALSO SENT VIA FACSIMILE, ELECTRONIC TRANSMISSION, OR BY HAND TO THE FILING OFFICE WITHIN TWO BUSINESS DAYS OF CONTRIBUTION					
To be used to report contributions (including loans) of \$1,000 or more, IF RECEIVED BETWEEN LAST REPORT DUE BEFORE AN ELECTION AND THE ELECTION. Must be reported within two business days of receipt!					
Candidate or Committee Name _____			Office Sought _____		
Mailing Address (number and street) _____		City _____	State _____	Zip _____	
Full Name of Contributor Mailing Address (PAC Affiliation if applies)	Contributor		Election	Amount	
	Received Date Contribution Type*	Occupation & Employer			
* Monetary, In-Kind or Loan I certify and affirm that I have examined this report, and say that the information in this report is complete, true, and correct. Further, I affirm that the contents in this report are the same as the contents in the electronic filing submitted, if also electronically filed. I further affirm that I understand that the above contribution(s) must also be reported on the next succeeding regularly scheduled campaign contribution disclosure report.					
Name of ___ Candidate ___ Chairman ___ Treasurer					
Signature _____			Date _____		

- If you are filing with the State Ethics Commission please use the facsimile number of 404-463-1988.
- If you are a candidate for local office please contact your local filing office for a facsimile number.

❖ Violating The Ethics In Government Act

Any person having knowledge of a violation of the Ethics in Government Act may file a sworn, written complaint with the State Ethics Commission, identifying the person filing the complaint, the party or parties alleged to have committed the violation, and the facts which show violation of the Ethics in Government Act.

The Commission will then provide a copy of the complaint to the party complained against who may respond in writing.

If after a preliminary investigation and hearing, the Commission determines that there are not reasonable grounds to believe that the Ethics in Government Act has been violated, the Commission will dismiss the complaint.

If the Commission determines that there are reasonable grounds to believe that the Ethics in Government Act has been violated, the matter will be set down for an Administrative Procedure Act hearing unless the Commission disposes of the case by issuing a cease and desist order. At all Administrative Procedure Act hearings all parties responding to charges will, after written notice, have the opportunity to be heard and present evidence.

If after reaching a final decision on the complaint, the Commission finds that a violation has occurred, it has authority to, among other things:

1. Direct compliance by the violator
2. Direct the violator to make public corrected statements or reports
3. Make public its conclusion that a violation has occurred
4. Issue an order requiring the violator to cease and desist from committing further violations
5. Order payment of a civil penalty not to exceed \$1000.00 for each violation contained in any report required by the Ethics in Government Act or for each failure to comply with any provision or of any rule or regulation promulgated within the Ethics in Government Act

A civil penalty not to exceed \$5000.00 may be imposed for a second occurrence of a violation of the same provision.

A civil penalty not to exceed \$10,000.00 may be imposed for EACH third or subsequent occurrence of a violation of the same provision.

For the purpose of the penalties imposed by this division, the same error, act, omission, or inaccurate entry shall be considered a single violation if the error, act, omission, or inaccurate entry appears multiple times on the same report or causes further errors, omissions, or inaccurate entries in that report or in any future reports or further violations in that report or in any future reports.

Who Needs To File a Financial Disclosure Statement?

Every public officer and every candidate for election as a public officer must file a financial disclosure statement covering the period of the preceding calendar year. Only one financial disclosure statement is required per calendar year.

Every public officer who is an elected county official and every candidate for election as a county public official must file a financial disclosure statement with the election superintendent of the county of the election.

Every public officer who is an elected municipal official and every candidate for election as a municipal public official must file a financial disclosure statement with the municipal clerk or, if there is no clerk, with the chief executive officer of the municipality of election.

A candidate for a local public office shall file a financial disclosure statement not later than the fifteenth day following the day on which the candidate qualifies.

All state and local public officers shall file a financial disclosure statement not before January 1 and not later than July 1 of each year that the public officer holds office, except the year in which the office holder is a candidate.

If the public officer chooses not to run for re-election or for election to another public office, no financial disclosure statement need be filed in the year qualifying to succeed him/her takes place.

HB 48 brought the following change to filing a FD.....

Each public officer and each person who qualifies as a candidate for election as a public officer, as defined in subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-33, shall file with the State Ethics Commission a FD for the preceding calendar year.

Beginning January 9, 2006, all state-wide elected officials and members of the General Assembly shall file a FD electronically with the State Ethics Commission.

(Filers must complete and mail in an original Financial Disclosure PIN Application prior to filing electronically.)

City and county public officers and each person who qualifies as a candidate for election as a city or county public officer shall file with the appropriate local filing officer a FD for the preceding calendar year.

When a FD is filed electronically, a notarized affidavit certifying that the electronic filing is correct must be filed with the State Ethics Commission and no paper copy of the FD is required to be filed.

Filing officer enter date filed in box

--

STATE OF GEORGIA
FINANCIAL DISCLOSURE STATEMENT

☐ Original
☐ Amendment
*(Enter Date of Statement
Being Amended)*

Date of this Statement: _____ Covering Calendar Year: _____

Name of Public Officer or Candidate: _____
First Middle Last

Mailing Address: _____
Street or P.O. Box City County State Zip code

Telephone Number: (Office) _____ (Home) _____

Name of City or County Office Held or Sought: _____

Check One:

☐ Elected City or County Officer

☐ Candidate for City or County Office

WHO FILES A FINANCIAL DISCLOSURE STATEMENT:

Each public officer holding office in Georgia, and each person who qualifies as a candidate for election as a public officer for one of the offices listed below, and all others on the following list.

- (A) Every constitutional officer;
- (B) Every elected state official;
- (C) The executive head of every state department or agency, whether elected or appointed;
- (D) Each member of the General Assembly;
- (E) The executive director of each state authority, board or commission and the members thereof;
- (F) Every elected county official, every elected county or area school superintendent, and every elected member of a county or area board of education; and
- (G) Every elected municipal officer.

WHEN TO FILE A FINANCIAL DISCLOSURE STATEMENT:

Public Officer: A Financial Disclosure Statement is filed not before January 1 and not later than July 1 of each year that a public officer holds office (except the year of election). The information to be provided shall be that from the preceding calendar year.

If the public officer chooses not to run for re-election or for another public office no Financial Disclosure Statement need be filed in the year qualifying to succeed him takes place. A public officer shall not be deemed to hold the office in a year in which the public officer holds office for less than 15 days.

Candidate for Public Office: A Financial Disclosure Statement covering the period of the preceding calendar year shall be filed no later than the fifteenth day following the date of qualifying as a candidate. Candidates for state wide office file not later than seven days after qualifying for office. Only one Financial Disclosure Statement is required per calendar year.

Special requirements for State Wide Candidates: Candidates for a public office elected state wide must file their Financial Disclosure Statements not later than seven days after qualifying or filing a notice of candidacy. State wide candidates must disclose more information than other candidates for public office and the additional disclosure sections required of state wide candidates must be completed in the year of election filing.

WHERE TO FILE A FINANCIAL DISCLOSURE STATEMENT:

Every public officer who is an elected county official and every candidate for election as a county public official will file a Financial Disclosure Statement with the election superintendent of the county of election.

Every public officer who is an elected municipal officer and every candidate for election as a municipal public officer will file a Financial Disclosure Statement with the municipal clerk or, if there is no clerk, with the chief executive officer of the municipality of election.

SECTION I
MONETARY FEES RECEIVED
(This section to be completed by Public Officers only)

Identify each monetary fee or honorarium accepted from speaking engagements, participation in seminars, discussion panels, or other activities which relate to the official duties of, or to the office of the public officer, with a statement identifying the fee or honorarium and the person from whom it was accepted. (You may attach additional sheets of paper if necessary.)

I received:

- ☐ No monetary fee or honorarium.
- ☐ Monetary fee(s) or honoraria as shown below.

**Identify Fee or Honorarium
And Amount Accepted**

Name and Address of Person from Whom Accepted

SECTION II
FIDUCIARY POSITIONS

Name all fiduciary positions held by the candidate for public office or the public officer. (You may expand this section if necessary to include all positions.) A **fiduciary position** is any position imposing a duty to act primarily for another's benefit as officer, director, manager, partner, guardian, or other designations of general responsibility of a business entity. A **business entity** is any corporation, sole proprietorship, partnership, limited partnership, limited liability company, limited liability partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether **profit or nonprofit**. (You may attach additional sheets of paper if necessary.)

I held:

- ☐ No fiduciary positions in any business entity.
- ☐ Fiduciary positions in the following business entity(ies).

IDENTIFY:

1. Title of each position.
2. Name and address of business entity.
3. Principal activity of each business entity.

Business entity #1

Business entity #2

Business entity #3

Business entity #4

SECTION III
DIRECT OWNERSHIP INTERESTS IN BUSINESS ENTITY

Direct ownership interest is the holding or possession of good legal or rightful title of property or the holding or enjoyment of real or beneficial use of the property by any person and includes any interest owned or held by a spouse of the person if such interest is held jointly or as tenants in common between the person and spouse.

Identify the name, address and principal activity of any business entity and the office held by and the duties of the candidate for public office or public officer within a business entity as of December 31 of the covered year in which a direct ownership interest: (A) Is more than 5 percent of the total interest in the business; or (B) Has a net fair market value of more than \$10,000. (You may attach additional sheets of paper if necessary.)

I held:

- ☐ No direct ownership interests in any business entity.
- ☐ Direct ownership interests in the following business entity(ies).

IDENTIFY:

1. Name and address of business entity.
2. Principal activity of business entity.
3. The office held by the candidate or the public officer within the business entity.
4. The duties of the candidate or the public officer within such business entity.

Business entity #1

Ownership Interests
Check One or Both If Applicable

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$10,000.00

Business entity #2

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$10,000.00

Business entity #3

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$10,000.00

Business entity #4

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$10,000.00

Business entity #5

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$10,000.00

SECTION IV
DIRECT OWNERSHIP INTERESTS IN REAL PROPERTY

Direct ownership interest is the holding or possession of good legal or rightful title of property or the holding or enjoyment of real or beneficial use of the property by any person and includes any interest owned or held by a spouse of the person if such interest is held jointly or as tenants in common between the person and spouse.

Identify each tract of real property in which the candidate for public office or public officer has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of \$10,000.00. "Fair market" value means the appraised value of the property for ad valorem tax purposes. (You may attach additional sheets of paper if necessary.) Check one box to show the applicable valuation range for each tract. (You may attach additional sheets of paper if necessary.)

I had:

- ☐ No ownership interests with a fair market value in excess of \$10,000.00
- ☐ Ownership interests with a fair market value in excess of \$10,000.00

IDENTIFY:

1. County where property is located.
2. State where property is located.
3. General description of property (give street address or location, size of tract, and nature or use of property).

Property #1

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #2

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #3

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #4

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #5

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

SECTION V
SPOUSE'S DIRECT OWNERSHIP INTERESTS IN REAL PROPERTY

Identify each tract of real property in which the filer's spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of \$10,000.00. (You may attach additional sheets of paper if necessary.) Check one box to show the applicable valuation range for each tract. (You may attach additional sheets of paper if necessary.)

My spouse had:

- ☐ No ownership interests with a fair market value in excess of \$10,000.00
☐ Ownership in the following tracts with a fair market value in excess of \$10,000

IDENTIFY:

1. County where property is located.
2. State where property is located.
3. General description of property (give street address or location, size of tract, and nature or use of property).

Property #1

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #2

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #3

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #4

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #5

The Value of this tract is

- ☐ Between \$10,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

**SECTION VI
EMPLOYMENT AND FAMILY MEMBERS**

Filer's Occupation _____
Filer's Employer _____
Employer's Address _____
Employer's Principal Activity _____

Filer's Spouse's Name _____
Spouse's Occupation _____
Spouse's Employer _____
Address of Spouse's Employer _____
Principal Activity of Spouse's Employer _____

Names of Filer's Dependent Children _____

**SECTION VII
INVESTMENT INTERESTS**

List the name of any business or subsidiary thereof or investment (do not list individual stocks and bonds that are held by mutual funds), in which the filer (either individually or with any other legal or natural person or entity) owns a direct ownership interest that:

1. Is more than 5 percent of the total interests in such business or investment, or
2. Has a net fair market value of more than \$10,000.00.

Business or Investment Entity #1
Name _____

Business or Investment Entity #2
Name _____

Business or Investment Entity #3
Name _____

Business or Investment Entity #4
Name _____

**SECTION VIII
KNOWN BUSINESS OR INVESTMENT INTERESTS OF SPOUSE AND DEPENDENT CHILDREN**

Identify any business or investment known to the filer in which the Filer's spouse or dependent children have a direct ownership interest (either individually or with any other legal or natural person or entity) if any one of the following is true (do not list individual stocks and bonds that are held by mutual funds):

1. the subject interest is more than 5 percent of the total interest in the business or investment,
2. the subject interest has a net fair market value exceeding \$10,000.00, or
3. the subject interest is one in an entity for which the Filer's spouse or a dependent child serves as an officer, director, equitable partner, or trustee.

Business or Investment Entity #1
Name _____

Business or Investment Entity #2
Name _____

Business or Investment Entity #3
Name _____

Business or Investment Entity #4
Name _____

SECTION IX
ANNUAL PAYMENTS RECEIVED BY THE PUBLIC OFFICER OR BUSINESS ENTITY
FROM THE STATE OF GEORGIA

(This section to be completed by Public Officers only)

Identify all annual payments in excess of \$20,000.00 received by the public officer – or by any business entity in which the public officer has an ownership interest of more than 10 percent of the business or has an ownership interest having a net fair market value of more than \$20,000.00 – from the State, any agency, department, commission or authority created by the State and authorized and exempted from disclosure under O.C.G.A. § 45-10-25. (You may attach additional sheets of paper if necessary.)

I received:

- ☐ No annual payments in excess of \$20,000.00 from any State entity.
☐ Annual payments in excess of \$20,000.00 from the below named State entity(ies).

IDENTIFY:

1. Name and address of State entity making the payments.
2. Amount of annual payment.
3. The general nature of the consideration rendered for the payment(s).

State entity source #1

State entity source #2

VERIFICATION BY OATH OR AFFIRMATION

State of Georgia

County of _____

I, the undersigned, being duly sworn (affirm), depose and say that the information in this statement is complete, true, and correct.

Sworn to and subscribed before me on _____, 20____.

Signature of Candidate or Public Officer

Signature of Notary Public

My Commission expires _____.

PENALTIES: Any person who knowingly fails to comply with or who knowingly violates any of the provisions of the Ethics in Government Act shall be guilty of a misdemeanor.